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MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: September 15, 2020
RE: ZP20-0717CA/MA, ZP20-0718CA, ZP20-0719CA, ZP20-0720CA; 273 Pearl St., 11, 15 and 21 Hungerford Terrace

Note: These are staff comments only. Decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.

File: ZP20-0717CA/MA, ZP20-0718CA, ZP20-0719CA, ZP20-0720CA.

Location: 273 Pearl Street, 11, 15 and 21 Hungerford Terrace

Zone: RH **Ward:** 8E

Parking District: Neighborhood

Date application accepted: February 20, 2020. Project review delayed by Covid 19. Plan revisions (submitted June 11, 2020 and August 7, 2020.)

First DAB Meeting: July 14, 2020

2nd DAB Meeting: August 25, 2020

Applicant/ Owner: 18138 Parking LLC, Triple Tree Group, LLC, 15 Hungerford Terrace, LLC and 21 Hungerford Terrace LLC. (Bruce Baker, Greg Doremus.)

Request: Planned Unit Development to include demolition of a single family home at 15 Hungerford Terrace and a garage at 11 Hungerford Terrace; demolish south porch and move garage at 21 Hungerford Terrace; construct 12 unit residential building. Net new units = 11 (if earlier duplex approvals are relinquished.) Site changes, including retaining walls, stormwater infrastructure. Parking changes with 17 space parking waiver request (42% of required residential parking.)



Background:

273 Pearl Street (constructed 1952)

- **Zoning Permit 16-0273CA**; replace 3 windows. September 2015.
- **Zoning Permit 15-0427CA**; regrade portion of lot and install retaining wall. Also see 15 and 21 Hungerford Terrace. September 2014.
- **Non-applicability of Zoning Permit Requirements 15-1015NA**; roof replacement. April 2015.
- **Zoning Permit 12-0231FC**; install chain link security fence on top of existing concrete block wall. September 2011.
- **Zoning Permit 00-466**; reside existing medical (dental) office in vinyl siding with new front elevation changes that include new windows, door and unenclosed entry roof canopy. No increase in coverage. Front yard setback encroachment allowed as per 5.3.6 (g). April 2000.
- **Zoning Permit 81-305**; change existing office to dental office. January 1981.
- **Zoning Permit n.n.**; Enlarge existing non-conforming use by addition of 21' x 16'. Approved May 1965.
- **Zoning Permit n.n.**; three unilluminated signs. Approved July 1960.
- **Notice to Gates Professional Pharmacy**, sign exceeding size permitted in Zone One. August 1952.
- **Petition to building a one story building approximately 24' x 40' to be used as prescription laboratory, doctor's office or professional use.** Approved December 1951.



11 Hungerford Terrace (constructed 1912)

- **Zoning Permit 18-10990CA**; handicap ramp, stoop, addition, parking changes. Convert a portion of the garage's front wall into a retractable wall to accommodate interior parking. July 2018.
- **Zoning Permit 18-0812CA**; replacement windows. April 2018.
- **Non-applicability of Zoning Permit Requirements 12-0252NA**; replace retaining wall in kind at same location & same height. August 2011.



15 Hungerford Terrace (constructed 1994)

- **Zoning Permit 18-1091CA**; change of use from single family to duplex. Parking changes. July 2018.
- **Zoning Permit 15-0428CA**; regrade portion of lot and install retaining wall. See also 21 Hungerford Terrace and 273 Pearl Street. Issued September 2014; permit relinquished.
- **Zoning Permit 02-377**; Construct 60' retaining wall. Issued March 2002, permit relinquished.
- **Zoning Permit 96-407**; installation of skylight in single family home. April 1996.
- **Zoning Permit 094-059 and 94-059A**; construction of a single-family home on existing vacant lot. February 1994.



21 Hungerford Terrace (constructed 1922)

- **Zoning Permit 18-1092CA**; Change of use from single family to duplex; add habitable space to basement. Shared parking and driveway with 11 and 15 Hungerford. See related permits AP18-1090CA and ZP18-1091CA. July 2018.
- **Zoning Permit 15-0429CA**; regrade portion of lot and install retaining wall. See also 15 Hungerford Terrace and 273 Pearl Street. Permit issued September 2014; permit relinquished.
- **Zoning Permit n.n.**; Use two front rooms for doctor's office. ZBA approved April 1966.



Overview:

The application is for a Planned Unit Development, utilizing 273 Pearl Street, 11, 15 and 21 Hungerford Terrace to create a new 12 unit residential building on the site of 15 Hungerford which will be demolished. No changes will occur to 273 Pearl Street, but are included as part of the shared infrastructure improvements. One accessory building (garage, 11 Hungerford) and a porch (21 Hungerford) are proposed to be demolished and the garage at 21 Hungerford relocated to the rear of the lot. A retaining wall will be constructed to ameliorate the grade change west of Hungerford Terrace. Parking changes, 17 space (47.22% residential) parking waiver request.

The **Design Advisory Board** reviewed the application at their July 14 and August 25, 2020 meetings. The motion, which passed unanimously was:

I move we forward this project to the DRB with a recommendation for approval, with the following comments:

1. *The demolition of the garage at 11 Hungerford and the porch at 21 Hungerford will not notably diminish the historic character of those houses, and is recommended for*

approval.

2. *In response to recommendations from the DAB, the applicant has revised the design of the streetfront façade, with changes to cladding materials and the front porch that bring the building into an acceptable level of compatibility with the surrounding buildings.*

3. *Based on the Parking Management Plan submitted by the applicant and the site topography, the DAB recommends that the requested parking waiver be granted, to allow for 19 parking spaces in lieu of the required 36.*

4. *Mailboxes should be relocated from the public sidewalk to an interior or sheltered location, such as the Common Entry on the South Elevation or the Common Entry / Lounge.*

5. *Solar PV is recommended for the large, flat roof.*

Applicable Regulations:

Article 2 (Administrative Mechanisms), Article 3 (Applications, Permit and Project Reviews), Article 4 (Zoning Maps and Districts), Article 5 (Citywide General Regulations), Article 6 (Development Review Standards), Article 8 (Parking), Article 9 (Inclusionary and Replacement Housing), and Article 11 (Planned Unit Development).

Recommended motion: Certificate of Appropriateness and Major Impact approval, contingent upon DRB support of the reduced parking dimensional standards, the requested parking waiver and the Parking Management Plan, and per the following Findings and Conditions:

I. Findings

Article 2: Administrative Mechanisms

Section 2.7.8 Withhold Permit

Per this standard, the applicant is required to remedy all violations and close out all zoning permits issued after July 13, 1989 prior to issuance of a Certificate of Occupancy for this permit. See attached list for guidance on open permits/violations. **Affirmative finding as conditioned.**

Article 3: Applications, Permits and Project Reviews

Section 3.2.1 Pre-Application Conferences

A pre-application presentation at the Wards 1 and 8 Neighborhood Planning Assemblies occurred January 8, 2020. **Affirmative finding.**

Part 3: Impact Fees

Article 3.3.2 Applicability

Any new development or additions to existing buildings which result in new dwelling units or in new nonresidential buildings square footage are subject to impact fees as is any change of use which results in an added impact according to Section 3.3.4.

Impact fees will be calculated by staff based on the gross new area. New gross area has been provided as 10,176 sq. ft. (see below.) An estimate of applicable Impact Fees are as follows:

Impact Fee Calculation

273 Pearl St., 11, 15, 21 Hungerford Terrace
ZP20-0717CA/MA

Existing gross sf. 15 Hungerford Terrace (proposed for demo)

2,464 Assessor's Data

Proposed SF 15 Hungerford Terrace

3,160 / floor x 4 floors = 12,640 sf

Difference: 10,176

SF of Project 10,176

Department	Residential	
	Rate	Fee
Traffic	0.199	2,025.02
Fire	0.225	2,289.60
Police	0.045	457.92
Parks	0.754	7,672.70
Library	0.467	4,752.19
Schools	0.975	9,921.60
Total	2.665	\$ 27,119.03

Impact Fees may be waived in whole or in part by the Housing Trust Fund Manager, based upon the number of inclusionary units. See Article 9, below. **Affirmative finding as conditioned.**

Section 3.3.7 Time and Place of Payment

(a) New Buildings: Impact fees must be paid at least seven (7) days prior to occupancy of a new building or any portion thereof.

As noted. **Affirmative finding as conditioned.**

Part 5, Conditional Use & Major Impact Review:

Section 3.5.6 Review Criteria

Within the Residential High Density Zoning District, Major Impact Review is required for the addition of 10 or more residential units.

(b) Major Impact Review Standards

1. Not result in undue water, air, or noise pollution;

Stormwater Management and EPSC plans have been forwarded to the Department of Public Works. The project was reviewed by the Conservation Board July 6, 2020 and received their recommendation for approval with the following conditions:

1. Need geo technical borings for infiltration and soil quality testing of the native soils to determine suitability for infiltration.

2. Consider installing a couple of monitoring wells for pre- and post-infiltration to measure ground water.

Chapter 26 compliance has not yet been received, but will be a condition of approval. As the proposed use is exclusively residential (with the exception of the existing dental use at 273 Pearl Street), use is consistent with the zoning district and established use. No undue air pollution is anticipated. Any potential noise pollution related to the increased number of residential units will be addressed by the applicants' submitted Property Management Plan, intended to assure the new residential tenancy a peaceful co-existence within the neighborhood. Applicants refer to their requirement of tenants to sign a "Good Neighbor Policy." See *Major Impact Review Standards*, applicant submission, p. 2

Affirmative finding as conditioned.

2. *Have sufficient water available for its needs;*

A letter of adequate capacity for water/sewer will be a permit requirement. **Affirmative finding as conditioned.**

3. *Not unreasonably burden the city's present or future water supply or distribution system;*

See above for confirmation of capacity. **Affirmative finding as conditioned.**

4. *Not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;*

An erosion prevention and sediment control plan is under review for compliance with Chapter 26, Wastewater, Stormwater, & Pollution Control. Written approval from the Stormwater Administrator will be a condition of any approval. **Affirmative finding as conditioned.**

5. *Not cause unreasonable congestion or unsafe conditions on highways, streets, waterways, railways, bikeways, pedestrian pathways or other means of transportation, existing or proposed;*

The applicants' submission defines the high allowance for density within the zoning district, the proximity to downtown, the parking management strategies that discourage vehicular use by tenants, and the robust availability of public transit. Applicants will be offering amenities to all residential tenants to persuade bicycle use convenient. Emphasis in their tenant education practices includes the expense of keeping a vehicle on-site, and the ease of pedestrian/bicycle use in the downtown. The application proposes 40% less parking than required by the ordinance, which (if approved) will diminish the number of vehicles on site and lessen the anticipated traffic that would otherwise come with a development of this size. **Affirmative finding as conditioned.**

6. *Not cause an unreasonable burden on the city's ability to provide educational services;*

The intended occupancy is by university-aged adults, not families that would typically include young children. Payment of required Impact fees, however, will help offset any impact to the school system. **Affirmative finding as conditioned.**

7. *Not place an unreasonable burden on the city's ability to provide municipal services;*

The proposed development will generate additional impacts on city services; however, Impact Fees will offset those impacts. **Affirmative finding as conditioned.**

8. *Not have an undue adverse effect on rare, irreplaceable or significant natural areas, historic or archaeological sites, nor on the scenic or natural beauty of the area or any part of the city;* See Section 5.4.8, 6.2.2. and 6.2.3, below.

9. *Not have an undue adverse effect on the city's present or future growth patterns nor on the city's fiscal ability to accommodate such growth, nor on the city's investment in public services and facilities;*

The project seeks to utilize open space on the interior of multiple lots. There will be increased demands on city infrastructure; however, the location is advantageous in its proximity to area institutions, travel ways, pedestrian paths and the downtown. **Affirmative finding as conditioned.**

10. *Be in substantial conformance with the city's municipal development plan;*

The project supports the aspirations of the MDP in the following way:

From **Plan BTV**, as adopted in 2019:

*Burlington will preserve and foster its distinctive identity by 3)protecting historic buildings, architectural features, and archaeological resources, while encourage the adaptive reuse and historically sensitive redevelopment of underutilized sites and buildings.*¹ **Affirmative finding.**

11. *Not have an undue adverse impact on the present or projected housing needs of the city in terms of amount, type, affordability and location;*

The proposal is infill in undeveloped rear yards of existing adjoining parcels. The proposed new residential units will moderately contribute to the city's housing stock. The location is probably the most desirable feature; in close proximity to area institutions: UVM Medical Center, the university, local businesses and downtown.

Inclusionary housing units will be required. The project will be providing an estimated 2 inclusionary housing units as well. **Affirmative finding as conditioned.**

12. *Not have an undue adverse impact on the present or projected park and recreation needs of the city.*

Modest impacts on the city's park and recreation needs are anticipated. Payment of impact fees will help offset such impacts. The project will be enhanced with some open air for tenant gathering and bike racks with similar amenities for use of the immediate residents. **Affirmative finding.**

(c) Conditions of Approval

In addition to imposing conditions of approval necessary to satisfy the General Standards specified in (a) or (b) above, the DRB may also impose additional conditions of approval relative to any of the following:

1. *Mitigation measures, including but not limited to screening, landscaping, where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area;*

The application includes an evolved landscape plan (See Plan A0, A1 and A7.) Tree requirements must be consistent and compliant with the requirements of 6.2.2. (l). The

¹ Burlington Planning Department, "Plan Btv: Comprehensive Plan," 37.

applicants' Management Plan, including their "Good Neighbor Policy" will be essential in maintaining a climate that assures no unreasonable noise or other negative impacts to the immediate residential area. **Affirmative finding as conditioned.**

2. Time limits for construction.

Zoning permits are valid for three years. Redevelopment following the demolition of any historic structure (garage behind 11 Hungerford and porch at 21 Hungerford) must begin within one year of their demolition.

The specific hours of construction are typically limited to M-F 7:00 am to 5:30 pm, with Saturday hours restricted to interior work. The DRB has the discretion to alter those hours based on the demands of the project and the context of the development area. **Affirmative finding as conditioned.**

3. Hours of operation and/or construction to reduce the impact on surrounding properties.

There is no restriction on the hours of residential use. See above for hours of construction.

4. That any future enlargement or alteration of the use return for review to the DRB to permit the specifying of new conditions,

As a PUD and a Major Impact project, this is a statutory requirement. Any future enlargement or alteration will be reviewed under the regulations in effect at the time of the request. **Affirmative finding as conditioned.**

And,

5. Such additional reasonable performance standards, conditions and safeguards as it may deem necessary to implement the purposes of this chapter and the zoning regulations.

Any such performance standards are at the discretion of the DRB.

Article 4: Zoning Maps and Districts

Sec. 4.4.5 Residential Districts

a) Purpose:

The Residential Districts are intended to control development in residential districts in order to create a safe, livable, and pedestrian friendly environment. They are also intended to create an inviting streetscape for residents and visitors. Development that places emphasis on architectural details and form is encouraged, where primary buildings and entrances are oriented to the sidewalk, and historic development patterns are reinforced. Parking shall be placed either behind, within, or to the side of structures, as is consistent with the district and/or the neighborhood. Building facades designed for parking shall be secondary to the residential aspect of a structure.

5. The Residential High Density (RH) district is intended primarily for high density attached multi-family residential development. Development is intended to be intense with high lot coverage, large buildings, and buildings placed close together. Parking is intended to be hidden either behind or underneath structures.

The proposed replacement residential building at 15 Hungerford Terrace presents a large building with higher lot coverage than currently exists, consistent with this standard. Parking is placed behind the buildings.

Affirmative finding.

(c) Dimensional Standards and Density

Table 4.4.5-2: Base Residential Density

High Density: RH - 40 units/acre

The total area of all four lots is 27,318 sf, or .627 acres. At 40 units/acre, the site might accommodate 25 dwelling units. With 1 existing at 273 Pearl, 5 at 11 Hungerford, 12 at 15 Hungerford and 1 at 21 Hungerford, a total of **19 units** are proposed; within the base residential density for the zoning district. **Affirmative finding.**

Table 4.4.5-3: Residential District Dimensional Standards

In the RH zoning district, coverage is limited to 80% of the lot (before bonuses.) Plan A2 defines proposed coverage at **78%**.

Under the PUD regulations, setbacks apply to the periphery of the project. As a corner development, there are two fronts and two sides. Establishment of the (new) front yard setback of 15 Hungerford Terrace utilizes both the existing (non-conforming) setback, and the average of one building north of this, and the two buildings south. The proposed replacement building exercises the existing non-conformity, but expands at the required front yard setback as averaged. (Average = 47.41'; setback is +/- 5', providing an acceptable front yard setback of 42.41-52.41.) Setbacks are illustrated on plan A2. The relocated garage (behind 21 Hungerford) meets the minimum 5' for an accessory structure. The encroachment of the driveway access at 21 Hungerford will be corrected. The remaining setbacks at 273 Pearl and 221 Hungerford remain as existing. See setback standards for retaining walls under Article 5.

Building height will not exceed 35' as measured from the sidewalk on Hungerford Terrace.

Affirmative finding.

(c) Permitted and Conditional Uses:

Attached dwellings, Multi family 3 or more is a permitted use in the RH zoning District.

Affirmative finding.

(d) District Specific Regulations

1. Setbacks

A. Encroachment for Residential Driveways

Not applicable.

B. Encroachment into the Waterfront Setback.

Not applicable.

2. Height

A. Exceptions in the Waterfront RM District.

Not applicable.

3. Lot Coverage

A. Exceptions for Accessory Residential Features.

This does not apply to the RH zoning district. Not applicable.

4. Accessory Residential Structures and Uses

One of the existing garages will be relocated to the west/rear of 21 Hungerford Terrace to be repurposed for trash/recycling, and located the minimum required 5' setback. The other garage at 11 Hungerford Terrace is proposed to be demolished. **Affirmative finding.**

5. Residential Density

A. Additional Unit to Multi-Family.

Not applicable.

B. Additions to Existing Residential Structures.

Not applicable.

C. Residential Occupancy Limits.

In all residential districts, the occupancy of any dwelling unit is limited to members of a family as defined in Article 13.

Not more than four unrelated adults may occupy any single residential unit. **Affirmative finding as conditioned.**

6. Uses

A. Exception for Existing Neighborhood Commercial Uses.

Not applicable.

7. Residential Development Bonuses.

No residential development bonuses are sought. Not applicable.

Article 5: Citywide General Regulations

Section 5.2.3 Lot Coverage Requirements

See Table 4.4.5-3, above. **Affirmative finding.**

Section 5.2.4 Buildable Area Calculation

Not applicable in RH.

Section 5.2.5 Setbacks

See Table 4.4.5-3, above.

Section 5.2.6 Building Height Limits

See Table 4.4.5-3, above.

Section 5.2.7. Density and Intensity of Development Calculations

See Table 4.4.5-2, above. This meets the limitation for intensity of use including IZ. **Affirmative finding.**

Part 3: Non-Conformities

Section 5.3.5 Nonconforming Structures

(a) Changes and modifications:

Any change or modification to a nonconforming structure, other than to full conformity under this Ordinance, shall only be allowed subject to the following:

- 1. Such change or modification may reduce the degree of nonconformity and shall not increase the nonconformity except as provided below.*
- 2. Such change or modification shall not create any new nonconformity,*

The existing 15 Hungerford Terrace is non-conforming to front yard setback. The proposed redevelopment will continue this non-conformity to the same degree. The expanded structure will meet the required front yard setback as calculated using the average front yard setbacks of 11, 21 and 27 Hungerford Place.

Affirmative finding.

Sec. 5.4.8 Historic Buildings and Sites

The City seeks to preserve, maintain, and enhance those aspects of the city having historical, architectural, archaeological, and cultural merit. Specifically, these regulations seek to achieve the following goals:

To preserve, maintain and enhance Burlington's historic character, scale, architectural integrity, and cultural resources;

To foster the preservation of Burlington's historic and cultural resources as part of an attractive, vibrant, and livable community in which to live, work and visit;

To promote a sense of community based on understanding the city's historic growth and development, and maintaining the city's sense of place by protecting its historic and cultural resources; and,

To promote the adaptive re-use of historic buildings and sites.

(a) Applicability:

These regulations shall apply to all buildings and sites in the city that are listed, or eligible for listing, on the State or National Register of Historic Places.

11 and 21 Hungerford Terrace (and their garages) are listed on the Vermont State Register of Historic Places and the National Register of Historic Places within the **Buell-Bradley Street Historic District**.

15 Hungerford Terrace is of construction that is more modern and identified as non-contributing due to age.

273 Pearl Street falls within the **Pearl Street Historic District** (#50, Lavoie Offices), but was identified as non-contributing to the district.

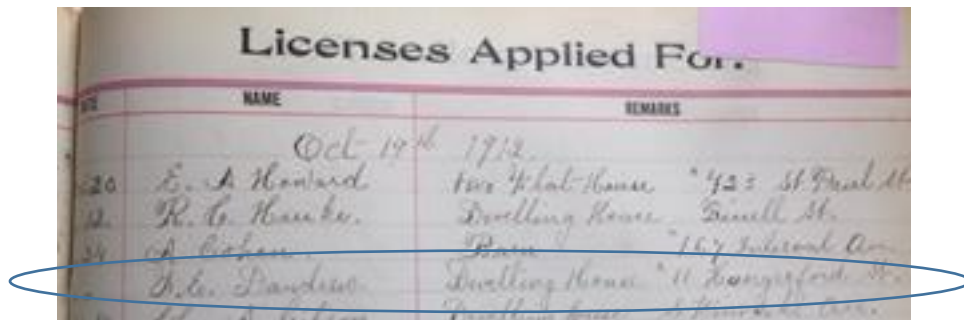
The following standards apply to 11 and 21 Hungerford Terrace:

(b) Standards and Guidelines:

The following development standards, following the Secretary of the Interior's Standards for the Treatment of Historic Properties, shall be used in the review of all applications involving historic buildings and sites subject to the provisions of this section and the requirements for Design Review in Art 3, Part 4. The Secretary of the Interior's Standards are basic principles created to help preserve the distinctive character of a historic building and its site. They are a series of concepts about maintaining, repairing and replacing historic features, as well as designing new additions or making alterations. These Standards are intended to be applied in a reasonable manner, taking into consideration economic and technical feasibility.

1. *A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.*

11 and 21 Hungerford Terrace will remain residential, although 11 Hungerford is now multi-unit. The existing garage at 11 Hungerford is proposed to be demolished in support of new development, as well as the southerly side porch at 21 Hungerford Terrace. The garage at 21 Hungerford will be moved to the rear of the lot to be utilized for one parking space and a trash location.



Issuance of a building permit for the construction of 11 Hungerford Terrace
October 24, 1912.

The elimination of the 11 Hungerford garage (1912) and porch at 21 Hungerford (between 1936-1942) alters the essential characteristics of the lot configuration, and alters the integrity of the overall context of the site as documented in the National Register nomination. The DAB has accepted the garage and porch loss in support for the overall development proposal.
Affirmative finding as conditioned.

2. *The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.*

See response above.



3. *Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.*

No conjectural features are proposed.

4. *Changes to a property that have acquired historic significance in their own right will be retained and preserved.*

The southerly sunporch on 21 Hungerford Terrace is a typical feature that characteristically was added after the original construction of the single family home, adding to the significance of the overall structure. The porch is a feature that has acquired significance, consistent with 20th century evolutionary changes to residential architecture as promoted by Sears, Aladdin, Montgomery Wards and other national building plan creators. 21 Hungerford Terrace appears to be based on the Sears “Rembrandt” or “Van Jean” design, both of which were offered an option of a side porch.

The DAB offered their support of the proposal within the overall application at their July 14, 2020 meeting and within their motion to recommend approval August 25 2020. **Affirmative finding.**



5. *Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.*

The location of the garages behind residential buildings is characteristic of residential construction during the period of origin. The removal of the garage at 11 Hungerford and replacement with a paved surface parking lot advances development intensification rather than the original character of a residential neighborhood. Similarly, the addition of a side porch (popularized particularly in house plan catalogs) strongly supports the residential nature of this neighborhood as it was listed on the National Register of Historic Resources. Its proposed removal will diminish those essential and concomitant characteristics that collectively contribute to the overall feeling, association, and arrangement of the neighborhood. The DAB has, however, provided their support for the loss of the garage and porch within the overall redevelopment proposal. **Affirmative finding.**

6. *Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials recognizing that new technologies may provide an appropriate alternative in order to adapt to ever changing conditions and provide for an efficient contemporary use. Replacement of missing features will be substantiated by documentary and physical evidence.*

The object of the application is to remove a 1994 home and replace it with a 12 unit three story building with associated parking. The retaining walls will be new construction. A garage at 11 Hungerford that is in disrepair is proposed for demolition rather than repair and reuse. The applicant has provided a narrative (Exhibit G-11H) as to the condition of the garage at 11 Hungerford and Exhibit SP-21H for the proposed porch removal at 21 Hungerford. **Affirmative finding.**

7. *Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.*

Building demolition of a garage and a porch is a permanent physical treatment. The structural loss is understood to be in support of a larger redevelopment plan, and acceptable within that context. **Affirmative finding.**

8. *Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.*

No archaeological resources have been identified on these parcels. Not applicable.

9. *New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment.*

Although the proposed new multi unit residential building is larger in massing than the abutting buildings, it is minimized by design at the street front and articulated with a modern

vocabulary that is differentiated from the older building stock that surrounds it. **Affirmative finding.**

10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Although unlikely, if the replacement building at 15 Hungerford Terrace were removed, 11 and 21 Hungerford Terrace would remain and retain sufficient integrity to merit retention on the National Register of Historic Places. **Affirmative finding.**

Section 5.5.1 Nuisance Regulations

With adequate tenant oversight, nothing in the proposal appears to constitute an identified nuisance under this criterion. Lighting, must meet the standards of Section 5.5.2, below.

Affirmative finding as conditioned.

Section 5.5.2 Outdoor Lighting

A photometric submitted July 30, 2020 continued to have a few “hot spots.” The lighting shall be revised to meet the lower illumination levels as required. **Affirmative finding as conditioned.**

Section 5.5.3 Stormwater and Erosion Control

A stormwater management plan, and Erosion Prevention and Sediment Control Plan has been submitted and currently under review by the Stormwater Engineering division. Written approval by that department will be a condition of any approval. Additionally, compliance post construction must be assured prior to issuance of any Certificate of Occupancy. **Affirmative finding as conditioned.**

Article 6: Development Review Standards

Part 1: Land Division Design Standards

No land division or boundary line adjustments are proposed. As a Planned Unit Development (PUD), the development area will be reviewed by the DRB under Article 11.

Part 2: Site Plan Design Standards

Sec. 6.2.2 Review Standards

(a) Protection of Important Natural Features

The most significant feature of the site is the topographic change from east to west. See “Topographical alterations”, below.

There are two mature trees within the ROW in front of 21 Hungerford that are identified on Plan A1 for retention, and a large tree in the front yard of 15 Hungerford Terrace to be removed. At least 17 trees are proposed to be removed from the collective project area. A landscaping plan has been provided (A3) defining new plantings and location. **Affirmative finding.**

(b) Topographical alterations

The rear of this development area reflects a tangible remnant of Burlington's physical geography, the Burlington Ravine. Previous permitting illustrates the efforts made to address the significant grade changes in the rear of these four properties. Plan A0 defines the grade low as 220' on the west of the site; increasing to 240' on the east (Hungerford Terrace) side. The plan includes retention of the existing concrete block retaining wall behind 273 Pearl Street, with a connecting retaining wall running around the west and south end of the development area raising the grade from 220 to 232 (see Civil Plan C2.2.) The proposed retaining wall will reach heights of 11' along the westerly wall, requiring approval of the City Engineer. **Affirmative finding as conditioned.**



Hungerford Terrace at the top, Pearl to the left. Grade change to the west (bottom) evident.

(c) Protection of important public views

There are no protected important public views from or through the property. **Affirmative finding.**

(d) Protection of important cultural resources

See Section 5.4.8 (b).

(e) Supporting the use of alternative energy

Floor plans illustrate ERV (Energy Recovery Ventilator) closets. Other alternative energy options, including solar for the large flat roof, are specifically encouraged by the Design Advisory Board. **Affirmative finding.**

(f) Brownfield sites

The properties are not listed on the Vermont DEC Hazardous Waste Site. Not applicable.

(g) Provide for nature's events

A subsurface stormwater treatment vault is present on Civil plans C2.2 and includes a Stormwater Retention component located under the new parking area. The EPSC and Stormwater management plans were forwarded to Stormwater Engineering Division for review.

The Conservation Board included two conditions in their recommendation for approval. See *Conditions of Approval*, below.

Snow storage is identified on the northerly end of the parking area just north of the three parking spaces. **Affirmative finding as conditioned.**

(h) Building location and orientation

The demolition of 15 Hungerford Terrace affords the location of the new, 3 story 12 unit residential building. The front setback duplicates that of the building to be demolished, with the footprint expanding further west, consistent with the setback average of the three neighboring properties. (Average setback is 47.4' when averaging 11, 21 and 27 Hungerford. Front setback may be +/- 5' of that average.) Retention of the existing setback, to the same degree, is acceptable. **Affirmative finding.**

(i) Vehicular access

The access drive for all units is proposed south of 21 Hungerford Terrace, via an existing driveway. Plans A0 and A1 both define existing driveway encroachment onto a neighboring property. All access must be established within the PUD property boundaries, with no further encroachment into setbacks than existing conditions. **Affirmative finding as conditioned.**

(j) Pedestrian access

Existing front entrance walks connecting to the city public sidewalk will remain at 11 and 21 Hungerford. A new walkway will be introduced to the immediate south of the 3 story residential building, with common ground floor entry at its terminus. **Affirmative finding.**

(k) Accessibility for the handicapped

Unit 1 is identified as fully accessible, with Units 2, 3 and 4 as "adaptable". The eight remaining units on the 2nd and third floor will meet Visitability standards for access.

2 ADA parking spaces are provided (one immediately behind 21 Hungerford, and one to the north of the new building at 15 Hungerford; both providing a loading area.) The building inspector has jurisdiction relative to the acceptability of the number of spaces and their specific dimensions. **Affirmative finding.**

(l) Parking and circulation

Plan A1 provides 25 parking spaces:

273 Pearl Street will retain its 6 existing permitted parking spaces for the dental office/1 residential unit.

11, 15 and 21 Hungerford (18 units) will share 19 parking spaces.

The requirements within the Neighborhood Parking District are 2 parking spaces for every residential unit.

Zoning Permit 18-1090CA allowed a shared parking arrangement among 11 Hungerford (5 units), 15 and 21 Hungerford Terrace that provided a total of 19 parking spaces. For the total 9 units, that plan met required on-site parking (2 per unit, or $2 \times 9 = 18$ spaces.)

The current plan proposes **19 spaces** for residential use while the required parking for 18 units (5 units at 11 Hungerford, 12 units at 15 Hungerford, and 1 unit at 21 Hungerford, and discounting the uses/unit at 273 Pearl *and* if earlier permit for duplex is relinquished) is now **36 spaces**. Only one net new additional space is provided greater than the previously approved shared use parking plan for 11, 15 and 21 Hungerford Terrace. With a substantial increase in bedroom count (33 bedrooms in 15 Hungerford), the parking deficiency is marked.

Discounting the dental office/1 apartment use at 273 Pearl which remains constant, the proposal is deficient (36-19) by **17 parking spaces**, requiring a **47.22% parking waiver**.

Parking spaces north of the new building are standard parking spaces (9 x 20); all of the spaces on the westerly boundary are compact (8 x 18); and the four immediately west of 15 Hungerford are undersized (8 x 16) per Table 8.1.8-11 of the ordinance. All spaces lack the required backup space (24' for 90° standard size angled parking spaces) although the most westerly meet the requirement for compact spaces (20' backup.) The h/c space south of 15 Hungerford, the lone garage space, and the southerly space immediately west of 15 Hungerford are all deficient in back-up space. The applicant will rely Section 8.1.11 that permits the DRB discretionary review to determine a lesser standard necessary due to site topography, location of existing or proposed structures, lot configuration, and/or the need to preserve existing trees and vegetation.

A Parking management Plan has been submitted, weighing largely on tenants without cars, advantageous location near the downtown, and shared parking by critical use periods. The plan proposes use of 5 residential parking spaces by the dentist office during business hours, when residential tenants would vacate their spaces. The plan further hinges on specific tenant selection practices and required tenant education. Both of these tools rely on the methods and practices of current owners; their continued success largely reliant under practices of unknown future ownership.

Finally, the applicant/owners include up-front monthly charges for parking on-site to discourage vehicular ownership. Parking is permitted on-site by permit and assigned space only, with towing enforced. As proposed, there is just one parking space per residential unit.

Owners will provide information to tenants about ridesharing programs and maintain a group membership with Car Share Vermont, offering to tenants free of charge. CCTA bus passes are provided to tenants on a first-come basis. Bicycle parking and storage is provided on site. Grocery trollies will be made available to tenants.

The applicants have also requested consideration of sharing all parking from their 5 commonly owned lots within 3 blocks; a total of 128 parking spaces. An examination of all those parcels and their parking requirements are outside this project review, but anticipate the exercise of TDM (Transportation Demand Management) within the City. An amendment to the Comprehensive Development Ordinance is currently under review that would include TDM as part of a new Mixed Use Multi Modal Parking District. The affected parcels (11, 15 and 21 Hungerford) do not front a major thoroughfare (Pearl Street) and therefore could not be considered under that amendment.

Article 8 defines the requirement to meet the parking demand of new development effectively. A proposed parking management plan must guarantee present and future success, enforceable over

the long term. The creation of 33 new bedrooms with only one new parking space is challenging; and hinged in this application with active and enduring management by owners.

Surface parking requires shading to reduce the effect on the local microclimate, air quality, and stormwater runoff. New or substantially improved parking areas must shade at least 30% of the parking lot. 1 shade tree shall be provided for every 5 parking spaces with a minimum caliper size of 2 ½ -3” at planting. A significant number of existing trees will be removed for this redevelopment. Plan A3 details the addition of 2 Honey Locust and 2 Elms; the remainder of the plantings shrubs and ornamentals. Plan A4 illustrates site shading. While a portion of the paved area is shaded in late June (a.m.), the 30% shading requirement is functionally met during the winter months when the sun is at its lowest.

Bicycle parking is provided along a walkway to the newly developed 15 Hungerford Terrace. Long Term bicycle parking is afforded in a separate room in the basement of 15 Hungerford Terrace. (See plan A5.) With 33 new bedrooms, at least 17 long term bicycle parking spaces will be required for the residential use. (1 bike parking/2 bedrooms requirement). This is more fully addressed under Article 8. **Affirmative finding as conditioned.**

(m) Landscaping, fences and retaining walls

A separate landscaping plan has been provided, and alluded to in plan A0, A7 and A8. Plan A3 provides Boston Ivy (K) as one of the plantings, its location unidentified on the site plan. There is inconsistency between Plans A3 and A9 relative to landscaping and proposed locations. (“Karl Forrester grass, Boston Ivy” on the retaining wall; not illustrated on A3.)

This standard requires:

Retaining walls greater than 5 feet tall shall incorporate textured surfaces, terracing, and/or vegetation to avoid long monotonous unarticulated expanses and to minimize adverse visual impacts to neighboring properties. As with fences, retaining wall styles, materials, and dimensions shall be compatible with the context of the neighborhood and use of the property.

Civil plans C2.2 and C4.2 and Plan A8 define the gravity wall as terraced with plantings.

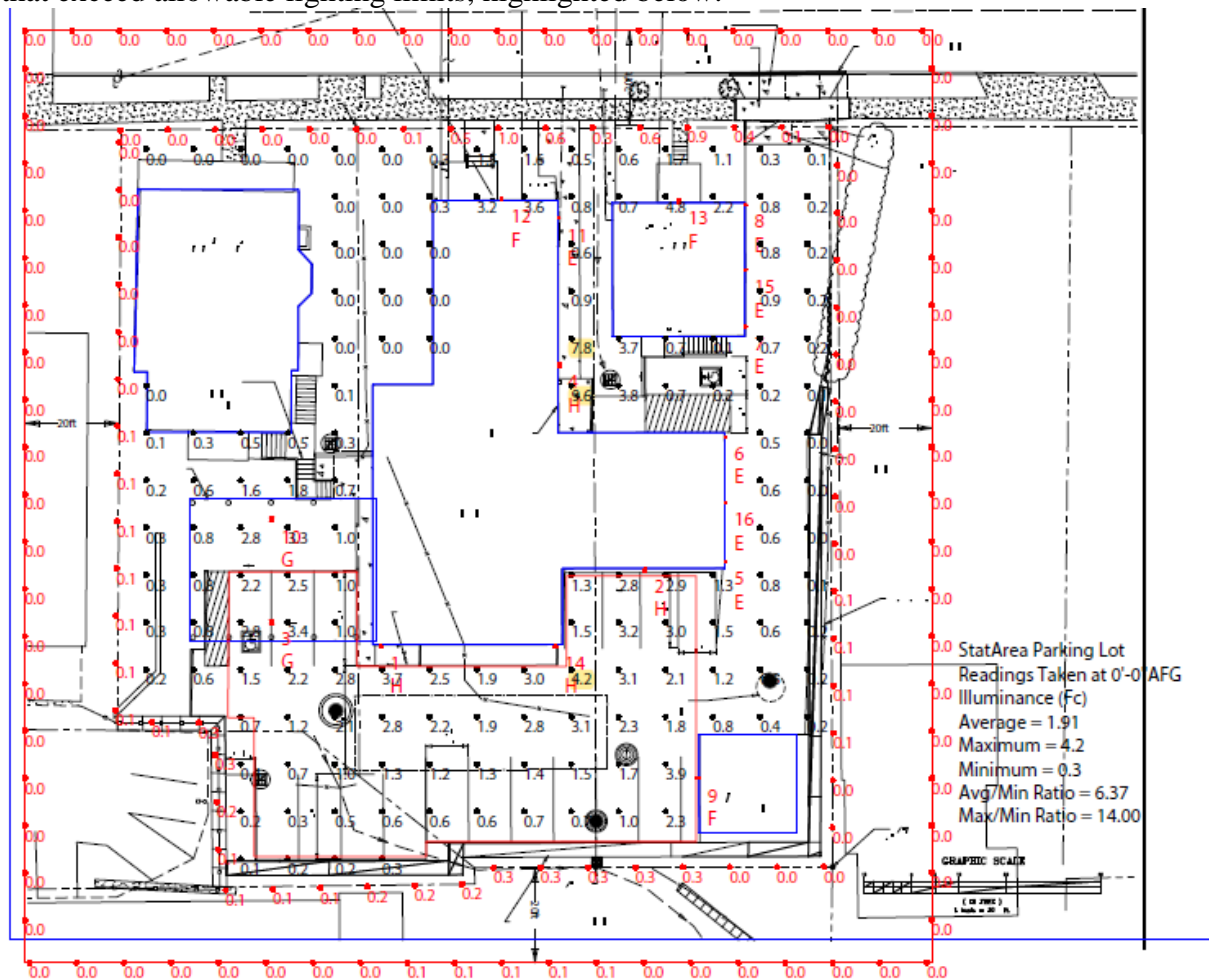
Heights vary from 2-12’. As the involved properties all sit on the cusp of the Burlington Ravine and have consistently struggled with the changing grade inherent to their site, this is the context of the neighborhood. Review of retaining walls greater than 3’ in height is the responsibility of the City Engineer. **Affirmative finding as conditioned.**

(n) Public plazas and open space

While there are no formal public plazas included in the plan, “open green space” is annotated on Plan A1. This occurs between 11 Hungerford and the new 12 unit residential building, and north of the parking area. Given the large number of residential units proposed for the combined site, some outdoor amenity space is encouraged to be identified and programmed for the enjoyment of the tenants. Open space / common land is a requirement of PUDs under Article 11. **Affirmative finding as conditioned.**

(o) Outdoor lighting

A photometric has been provided, with a revised plan received 7.30.2020. There are three spots that exceed allowable lighting limits, highlighted below.



- Building entrances, unless designated handicap access, may not exceed 5 fc. The common entry to 15 Hungerford Terrace has measurements as high as 9.6 fc, and should be adjusted downward.
- Parking lots are limited to a maximum illumination of 4 fc. There is a single reading that exceeds 4 fc (west of 15 Hungerford) which will require attention to bring light levels down.

Affirmative finding as conditioned.

(p) Integrate infrastructure into the design

Civil plan C2.3 shows a continuation of overhead electric service to both 21 Hungerford and the new 15 Hungerford building. New construction demands undergrounding of on-site utilities, Meters, utility connections, HVAC or similar mechanical equipment should be coordinated with the design of the building, and grouped in a service court out of public view. All need to be illustrated on elevations and/or site plans to determine appropriateness of location and necessity of screening.

No rooftop mechanicals are identified. If such units are proposed, they need to be provided with plans to be assessed for compliance with the standards of the ordinance.

The location of trash and recycling facilities is re-defined within the relocated garage at the southwesterly corner of the collective lots.

Residential mailboxes are identified along the public sidewalk, presumably in cluster box unit (“CBU”). This is an undesirable solution for residential use, due to its commercial appearance. An interior or sheltered porch location where unit boxes can be accessed by tenants is preferable and more consistent with residential use. The Common Entry on the south elevation or alternately at the Lounge location are recommended for resident mail delivery, and has been recommended by the DAB. **Affirmative finding as conditioned.**

Part 3, Architectural Design Standards

Section 6.3.2 Review Standards

(a) Relate development to its environment:

1. Massing, Height and Scale:

Plan A9, A10 and A11 provide a modeled street view, illustrating the new building approximately the same height as the hipped roof of 11 Hungerford Terrace, to its north and 295 Pearl Street; on the corner of Pearl and Hungerford. The flat roof, however, allows for a building mass (and occupied third floor) that exceeds any of the existing buildings surrounding it. See rendered elevations A6, A7 for modeled views from the south and west. The automotive service station on Pearl Street somewhat ameliorates the view from the north. **Affirmative finding.**

2. Roofs and Rooflines.

The new building has connected flat roofs; differing from either the north or south detached building that will abut it. The roof scheme will help ameliorate its massing. **Affirmative finding.**

3. Building Openings

Building openings are symmetrically arranged on the primary façade, with rhythmic structural punctures on other elevations. Openings are grouped to provide the same floorplan plate-to-plate. **Affirmative finding.**

(b) Protection of Important Architectural Resources:

Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Where the proposed development involves buildings listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8. The introduction of new buildings to a historic district listed on a state or national register of historic places shall make every effort to be compatible with nearby historic buildings.

See Section 5.4.8.

(c) Protection of Important Public Views:

There are no protected important public views from this site. Not applicable.

(d) Provide an active and inviting street edge:

The removal and replacement of 15 Hungerford Terrace has introduced a substantially larger and more imposing structure to the streetscape. While style or massing provide a counterpoint to the context of the older street, it does offer an identifiable front portal, the welcome of porches, and larger windows to warm the streetface. Easterly porches have been extended to strengthen the horizontal element of the design, tying it in with neighboring properties. **Affirmative finding.**

(e) Quality of materials:

All development shall maximize the use of highly durable building materials that extend the life cycle of the building, and reduce maintenance, waste, and environmental impacts. Such materials are particularly important in certain highly trafficked locations such as along major streets, sidewalks, loading areas, and driveways. Efforts to incorporate the use of recycled content materials and building materials and products that are extracted and/or manufactured within the region are highly encouraged.

The applicants have revised their exterior sheathing plans at the recommendation of the DAB, now favoring fiber cement clapboards with a smaller area in fiber cement panels. Changes are intended to provide greater horizontality, as guided by the Board. Boral trim (with more interest provided to break up the visual massing) and MDO accent bands will complete the finish. Brick veneer has been extended vertically on the east, north and south as suggested by the DAB. Windows and doors are detailed on Plan A7. All are acceptable for new construction. **Affirmative finding.**

(f) Reduce energy utilization:

All new construction is required to meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances. **Affirmative finding as conditioned.**

(g) Make advertising features complementary to the site:

No signage is proposed. Any signs will require a separate sign permit, consistent with the regulations of Article 7 and compliant to the residential zoning district standards. **Affirmative finding as conditioned.**

(h) Integrate infrastructure into the building design:

See Section 6.2.2. (p.)

(i) Make spaces secure and safe:

All applicable building and life safety code as defined by the building inspector and fire marshal will be required. Building entrances need to be adequately illuminated (but not to exceed 5 fc.) Adequate lighting at building entrances will support resident safety. See lighting standards of Section 5.5.2 and 6.2.2. (o), above.

An intercom system is recommended to maximize personal safety of the residents in the new 12-unit structure. **Affirmative finding as conditioned.**

Article 8: Parking

Section 8.1.8 Minimum Off-Street Parking Requirements

Within the Neighborhood Parking District, 2 parking spaces are required for every residential unit. The application requests a 17 space parking waiver.

(6 current spaces at 273 Pearl, and 19 proposed behind the Hungerford addresses = 25 spaces. Requirement is 6 spaces for dental office and one unit at 273; and 36 spaces for 18 residential units = 42 total required parking spaces.) 42-25 provided = 17 space deficiency. A parking waiver (47%) is requested, and based on the Parking Management Plan. See 8.1.15, below.

Section 8.1.15 Waivers from Parking Requirements / Parking Management Plans

A Parking management Plan has been submitted, anticipating in great part tenants without cars, the proximity of downtown and local institutions, and shared parking by critical use periods. The plan proposes use of 5 residential parking spaces by the dentist office during business hours, when residential tenants would vacate their spaces. The plan further hinges on specific tenant selection practices and required tenant education. Both of these tools rely on the methods and practices of current owners; their continued success reliant under active management.

The applicant/owners include up-front monthly charges for parking on-site to discourage vehicular ownership. Parking is permitted on-site by permit and assigned space only, with towing enforced. As proposed, there is just one parking space per residential unit.

Owners will provide information to tenants about ridesharing programs and maintain a group membership with Car Share Vermont, offering to tenants free of charge. CCTA bus passes are provided to tenants on a first-come basis. Bicycle parking and storage is provided on site. Grocery trollies will be made available to tenants. **Affirmative finding as conditioned.**

Section 8.2.5 Bicycle Parking Requirements

Table 8.2.5-1 defines the bicycle parking requirement as 1 per 2 bedrooms for long term storage, and 1 per 10 units for short term. In consideration of the new 12 unit residential building (36 bedrooms - 3 in existing 15 Hungerford = 33 net new bedrooms) 17 Long Term bicycle parking spaces are required, and 1 short term space. Bike parking will be provided within the basement of the new building and along the Hungerford Terrace street entrance (see plan A5.)

Affirmative finding as conditioned.

Article 9: Inclusionary and Replacement Housing

Section 9.1.5 Applicability (As amended by the City Council 8/10/2015.)

As the proposed development includes more than 5 new dwelling units, it is subject to the inclusionary housing provisions of this Article. Fifteen percent of the total unit count must be inclusionary (Per Section 9.1.10, 15% of 11 new units = 2 IZ units). Approval for the adequacy of the inclusionary units will be required from the manager of the city's Housing Trust Fund. Any stipulations would be included as a condition of approval. **Affirmative finding as conditioned.**

Sec. 9.1.7 Certificate of Inclusionary Housing Compliance

No certificate of occupancy for a project covered by this chapter shall be granted unless and until a Certificate of Inclusionary Housing Compliance has been issued by the Housing Trust Fund Manager. Affirmative finding as conditioned.

Section 9.1.13 Off-Site and Payment in Lieu Options

(a) Off-Site Option

The developer of a covered project may construct inclusionary units on a lot (or lots) within the City of Burlington other than that on which the covered project is located as determined by HUD's Low- and Moderate-Income Summary Data as updated annually. The offsite option may be utilized by right per the following scenario:

- 1) Covered projects located in a census block where more than fifty-one percent (51%) of the residents are below eighty percent (80%) AMI as determined by HUD's Low- and Moderate-Income Summary Data may utilize the off-site option by right.*
- (2) In areas where less than fifty-one percent (51%) of the residents are below eighty percent (80%) AMI as determined by HUD's Low- and Moderate Income Summary Data, utilization of the off-site option shall not be allowed. In all cases, utilization of the off-site option shall be subject to the following conditions:*
 - i. The number of inclusionary units to be provided by the developer or by the developer's designee through off-site development shall be equivalent to the number otherwise required by this Article;*
 - ii. No additional development provisions as outlined in Sec. 9.1.12 shall be granted to the development of units constructed off-site or to the project constructed on-site;*
 - iii. Off-site inclusionary units must be located within the City of Burlington;*
 - iv. All of the provisions of Sections 9.1.8 through 9.1.11 shall apply without exception to off-site inclusionary units under the provisions of this section; and,*
 - v. Waiver of provisions from the HTF with regard to minimum square footage and bedroom count relative to average size and bedroom count in a covered project is not permitted.*

The off-site option shall not apply to a project located within a waterfront zoning district nor shall it apply to off-campus student housing projects as defined by this Article. For the purposes of this Sec. 9.1.13, "site" shall consist of all adjacent lots which are the subject of a PUD or other single development application.

(b) Payment In-Lieu Option *The developer of a covered project may provide a payment in lieu to the Housing Trust Fund rather than construct inclusionary units on or offsite contingent on AMI as determined by HUD's Low- and Moderate-Income Summary Data. The payment in lieu option may be utilized by right under the two following scenarios:*

(1) Covered projects located in a census block where more than fifty-one percent (51%) of the residents are below eighty percent (80%) AMI as determined by HUD's Low- and Moderate-Income Summary Data may utilize the payment in lieu option subject to the following standards:

i. The payment in lieu fee shall be \$35,000 per dwelling unit for projects containing 5-16 dwelling units.

The applicants have not expressed an intention to meet the IZ requirements offsite or as a payment in lieu; however if they are intending to utilize either option for the required Inclusionary Units, they must demonstrate compliance with the noted conditions and subject to confirmation of compliance by the Housing Trust Fund Manager.

Affirmative finding as conditioned.

Section 9.1.14 General Requirements for Inclusionary Units

(a) In order to assure an adequate distribution of inclusionary units by household size, the bedroom mix of inclusionary units in any project shall be in the same ratio as the bedroom mix of the non-inclusionary units of the project.

As noted. Additional provisions of Inclusionary standards, including gross floor area, interior amenities, marketing, and affordability will be required to meet the approval of the City's Housing Trust Manager. **Affirmative finding as conditioned.**

Sec. 9.1.18 Timeline for Availability/Phasing of Inclusionary Units for Issuance of Certificate of Occupancy

Inclusionary units shall be made available for occupancy on approximately the same schedule as a covered project's market units, except that certificates of occupancy for the last 10% of the market units will be withheld until certificates of occupancy have been issued for all inclusionary units. If the project is approved to be constructed in phases on an extended permit timeline, certificates of occupancy may be issued on a phased basis consistent with the conditions of approval per Section 9.1.17. **Affirmative finding as conditioned.**

Article 11: Planned Unit Development

Section 11.1.3 General Requirements and Applicability *Any development involving multiple lots, tracts or parcels of land to be developed as a single entity, or seeking to place multiple structures and/or uses on a single lot where not otherwise permitted, may be permitted as a PUD subject to the provisions of this Article.*

A Planned Unit Development may be permitted subject to minimum project size as follows in the following districts:

Residential High Density – no minimum project size.

This standard allows development of multiple lots with no minimum lot size for a PUD in the Residential High Density Zone. **Affirmative finding.**

Section 11.1.4 Modification of Regulations

With the approval of the DRB after a public hearing, the following modifications the requirements of the underlying zoning may be altered within a planned unit development:

- *Density, frontage, lot coverage and setback requirements may be met as calculated across the entire project rather than on an individual lot-by-lot basis.*
- *Required setbacks may apply only to the periphery of the project rather than on an individual lot-by-lot basis;*
- *More than one principal use and more than one principal structure may be permitted on a single lot, and*
- *Buildings may be of varied types including single detached, attached, duplex or apartment construction.*

Any proposed modifications of regulations shall be listed in a statement accompanying the application submission and such modifications shall be subject to the provisions of Section 11.1.5 and Section 11.1.6.

Calculations for lot area, intensity of use and setbacks have been provided for 273 Pearl Street, 11, 15 and 21 Hungerford Terrace. See Table 4.4.5-3. Parking has been calculated for the uses on those lots, in addition to the existing uses. More than one principal use and more than one principal structure are proposed within the PUD. Buildings are of varied types, including apartment construction. **Affirmative finding.**

Section 11.1.5 Approval Requirements

(a) The minimum project size requirements of Section 11.1.3 shall be met;

There is no minimum project size for a PUD within the Residential High Density Zone.

(b) The minimum setbacks required for the district have been met at the periphery of the project;
See table 4.4.5-3, above.

(c) The project shall be subject to design review and site plan review of Article 3, Part 4 and the standards of Article 6.

See Articles 3 and 6, above.

(d) The project shall meet the requirements of Article 10 for subdivision review where applicable;

Not applicable.

(e) Density, frontage, and lot coverage requirements of the underlying zoning district have been met as calculated across the entire project;

See Table 4.4.5-3 (above.) **Affirmative finding.**

(f) All other requirements of the underlying zoning district have been met as calculated across the entire project;

See Section 4.4.5-3, above. **Affirmative finding.**

(g) Open space or common land shall be assured and maintained in accordance with the conditions as prescribed by the DRB

Areas for green common use are identified on Plan A2. Most units have balconies to connect tenant and the outdoors. **Affirmative finding.**

(h) The development plan shall specify reasonable periods within which development of each phase of the planned unit development may be started and shall be completed. Deviation from the required amount of usable open space per dwelling unit may be allowed provided such deviation shall be provided for in other sections of the planned unit development.

The applicant has not requested any phasing schedule. The permit will have a typical three year life in which to complete the development. Redevelopment after demolition of historic structures have a one-year clock to begin. Any proposed phasing plan will need to be approved by the DRB and included as part of decision and conditions. **Affirmative finding as conditioned.**

(i) The intent as defined in Sec. 11.1.1 is met in a way not detrimental to the city's interests; Sec. 11.1.1, Intent

(a) Promote the most appropriate use of land through flexibility of design and development of land;

The concept of developing underutilized area behind existing structures is a traditional method of infill and intensification of use where encouraged though the Municipal Development Plan. See Section 3.5.6. (b) 10, above. **Affirmative finding.**

(b) Facilitate the adequate and economical provision of streets and utilities;

The proposed new structure can be served by extended access road(s) within the site and utilizing public utilities. **Affirmative finding as conditioned.**

(c) Preserve the natural and scenic qualities of open space;

Although the rear (west) of the properties is proposed for development of a parking area, there remains the terraced grade change with views to the west. Within the more densely developed neighborhood, the remaining green space north of 15 Hungerford, and residential balconies will offer exposure to scenery and open space. **Affirmative finding.**

(d) Provide for a variety of housing types;

The new units in the replacement building at 15 Hungerford are proposed to be three bedroom units. The remaining units at 273 Pearl, 11 Hungerford and 21 Hungerford will remain as existing. **Affirmative finding.**

(e) Provide a method of development for existing parcels which because of physical, topographical, or geological conditions could not otherwise be developed;

The project area retains an existing amount of infrastructure, buildings and parcels that abut the Burlington Ravine, one of the most challenging redevelopment components within the city. This project proposal allows for greater development and density within the buildable area of the collective parcels while addressing the complex challenge of the topography to the west.

Enhanced infrastructure, including stormwater management for all four parcels, enables and enhances the overall project. **Affirmative finding.**

And;

(f) Achieve a high level of design qualities and amenities.

As proposed, the building design proposes intensifying the density with construction of a single multi-unit residential building. The building is articulated with differentiated materials and building planes; welcoming building entrances, porches and balconies. Project plans include typical and welcome amenities for attractive residential complexes, particularly within established neighborhoods. **Affirmative finding.**

(j) The proposed development shall be consistent with the Municipal Development Plan
See Sec. 3.5.6 (b) 10.

(k) Any proposed accessory uses and facilities shall meet the requirements of Section 11.1.6 below.

Section 11.1.6 Accessory Facilities

(a) A planned unit development may contain a building or buildings intended for non-residential uses, such as but not limited to a community center, recreation facility, and child care center and/or business office if the DRB determines that such use or uses are compatible with the intended principle residential use.

No accessory facilities are proposed. Not applicable.

II. Conditions of Approval

1. Impact Fees shall be paid based on the gross new area, and paid at least seven days prior to the occupancy of any part of the building. Based upon submitted gross new area, impact fees are estimated to be:

**SF of
Project** 10,176

Department	<u>Residential</u>	
	Rate	Fee
Traffic	0.199	2,025.02
Fire	0.225	2,289.60
Police	0.045	457.92
Parks	0.754	7,672.70
Library	0.467	4,752.19
Schools	0.975	9,921.60
Total	2.665	\$ 27,119.03

Said fees may be waived in whole or in part based on the number of inclusionary housing units. Any waiver shall be substantiated by the Housing Trust Fund Manager and formalized with a letter of compliance from that office.

2. Per Section 2.7.8, all expired zoning permits issued after July 1989 for any of the involved parcels (273 Pearl St., 11, 15 or 21 Hungerford Terrace) shall be closed out and Certificates of Occupancy issued **prior to issuance of any FCO** for this permit.²
3. Conditions imposed by the Conservation Board:
 - i. Geo technical borings for infiltration and soil quality testing of the native soils to determine suitability for infiltration.
 - ii. Installing a couple of monitoring wells for pre- and post-infiltration to measure ground water.
4. Conditions from the Design Advisory Board:
 - i. Mailboxes should be relocated from the public sidewalk to an interior or sheltered location, such as the Common Entry on the South Elevation or the Common Entry / Lounge.
 - ii. Solar PV is recommended for the large, flat roof.
5. **Prior to release of the zoning permit**, the applicants must submit a copy of their “Good Neighbor Policy” and defined tenant education plan, to demonstrate comprehensive ongoing oversight and management of all residential units.
6. **Prior to release of the zoning permit**, a revised photometric shall be submitted correcting the high illumination levels or demonstrate compliance with accepted national standards.
7. **Prior to release of the zoning permit**, a letter of water/sewer capacity shall be provided.
8. **Prior to release of the zoning permit**, written approval of the Erosion Prevention and Sediment Control Plan, as well as the Stormwater Management Plan shall be submitted. Review of the Conservation Board conditioned submissions are subject to approval by the Stormwater Engineer.
9. Residential occupancy limits apply. Occupancy of each residential unit is limited to a Family as defined in Article 13. Not more than four unrelated adults may occupy any unit.
10. The proposed retaining wall is subject to review and approval by the City Engineer.
11. All vehicular access must be established within the PUD property boundaries, with no further encroachment into setbacks than existing conditions.
12. Hours of construction are limited to M-F 7:00 am to 5:30 pm, with Saturday hours restricted to interior work. No work shall occur on Sundays.
No certificate of occupancy for a project shall be granted unless and until a Certificate of Inclusionary Housing Compliance has been issued by the Housing Trust Fund Manager. For 11 net new units, 2 IZ units are required. Exercise of

² ZA 17-03, Section 2.7.8: *The administrative officer is also authorized to deny all zoning permits for any property with an expired zoning permit without a final certificate of occupancy. Instead of withholding or denying a zoning permit, the administrative officer may grant such permit subject to the condition that the uncorrected zoning violation is corrected or the expired zoning permit is closed out with a final certificate of occupancy. Such action(s) shall take place before the issuance of a final certificate of occupancy on the new permit.*

Section 9.1.13 Off-Site and Payment in Lieu Options shall meet the conditions and requirements of that Section, and be subject to confirmation of compliance by the Housing Trust Fund Manager.

13. For the 11 new units, **17 long term spaces, and 1 short term bike parking spaces** are required.
14. The driveway curb cut must conform with VTrans Standard B-71 drawing.
15. New construction must commence within 6 months of the removal of the accessory garage.
16. All new construction is required to meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.
17. An intercom system is recommended to maximize personal safety of the residents in the new 12-unit structure.
18. Any signs will require a separate sign permit.
19. Standard Permit Conditions 1-15.

NOTE: These are staff comments only. The Development Review Board, who may approve, table, modify, or deny projects, makes decisions.